

consider the differences between the two houses; the House adopted the conference committee report on H.J.R. No. 68 on June 1, 2003: Yeas 142, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 26, 2003: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.J.R. No. 68 on June 1, 2003: Yeas 31, Nays 0.

Filed with the Secretary of State June 3, 2003.

H.J.R. No. 84

A JOINT RESOLUTION

proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 72 to read as follows:

Sec. 72. (a) An elected or appointed officer of the state or of any political subdivision who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the appropriate authority may appoint a replacement to serve as temporary acting officer as provided by this section if the elected or appointed officer will be on active duty for longer than 30 days.

(b) For an officer other than a member of the legislature, the authority who has the power to appoint a person to fill a vacancy in that office may appoint a temporary acting officer. If a vacancy would normally be filled by special election, the governor may appoint the temporary acting officer for a state or district office, and the governing body of a political subdivision may appoint the temporary acting officer for an office of that political subdivision.

(c) For an officer who is a member of the legislature, the member of the legislature shall select a person to serve as the temporary acting representative or senator, subject to approval of the selection by a majority vote of the appropriate house of the legislature. The temporary acting representative or senator must be:

(1) a member of the same political party as the member being temporarily replaced; and

(2) qualified for office under Section 6, Article III, of this constitution for a senator, or Section 7, Article III, of this constitution for a representative.

(d) The officer who is temporarily replaced under this section may recommend to the appropriate appointing authority the name of a person to temporarily fill the office.

(e) The appropriate authority shall appoint the temporary acting officer to begin service on the date specified in writing by the officer being temporarily replaced as the date the officer will enter active military service.

(f) A temporary acting officer has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as the officer who is temporarily replaced.

(g) A temporary acting officer appointed under this section shall perform the duties of office for the shorter period of:

(1) the term of the active military service of the officer who is temporarily replaced; or

(2) the term of office of the officer who is temporarily replaced.

(h) In this section, "armed forces of the United States" means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held September 13, 2003. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the appointment of a temporary replacement officer to fill a vacancy created when a public officer enters active duty in the United States armed forces."

Passed by the House on May 1, 2003: Yeas 140, Nays 0, 3 present, not voting; the House concurred in Senate amendments to H.J.R. No. 84 on May 30, 2003: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 28, 2003: Yeas 27, Nays 4.

Filed with the Secretary of State June 2, 2003.

H.J.R. No. 85

A JOINT RESOLUTION

proposing a constitutional amendment to allow the legislature to authorize and govern the operation of wineries in this state.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 20, Article XVI, Texas Constitution, is amended by adding Subsection (d) to read as follows:

(d) The legislature may enact laws and direct the Alcoholic Beverage Commission or its successor to set policies for all wineries in this state, regardless of whether the winery is located in an area in which the sale of wine has or has not been authorized by local option election, for the manufacturing of wine, including the on-premises selling of wine to the ultimate consumer for consumption on or off the winery premises, the buying of wine from or the selling of wine to any other person authorized under general law to purchase and sell wine in this state, and the dispensing of wine without charge, for tasting purposes, for consumption on the winery premises, and for any purpose to promote the wine industry in this state.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held September 13, 2003. The ballot shall be printed to permit voting for or against the proposition: "A constitutional amendment to allow the legislature to enact laws authorizing and governing the operation of wineries in this state."

Passed by the House on May 6, 2003: Yeas 142, Nays 0, 2 present, not voting; the House refused to concur in Senate amendments to H.J.R. No. 85 on May 29, 2003, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.J.R. No. 85 on June 1, 2003: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2003: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.J.R. No. 85 on June 1, 2003: Yeas 31, Nays 0.

Filed with the Secretary of State June 3, 2003.